



U.S. Bankruptcy Court

Southern District of Mississippi

Bankruptcy Seminar

2018



U.S. Bankruptcy Court

Southern District of Mississippi

Disclaimer:

The information in this presentation is a summary of relevant facts about rules and procedures of the bankruptcy court.

This information has been summarized for the convenience of participants and does not constitute legal advice or legal authority.

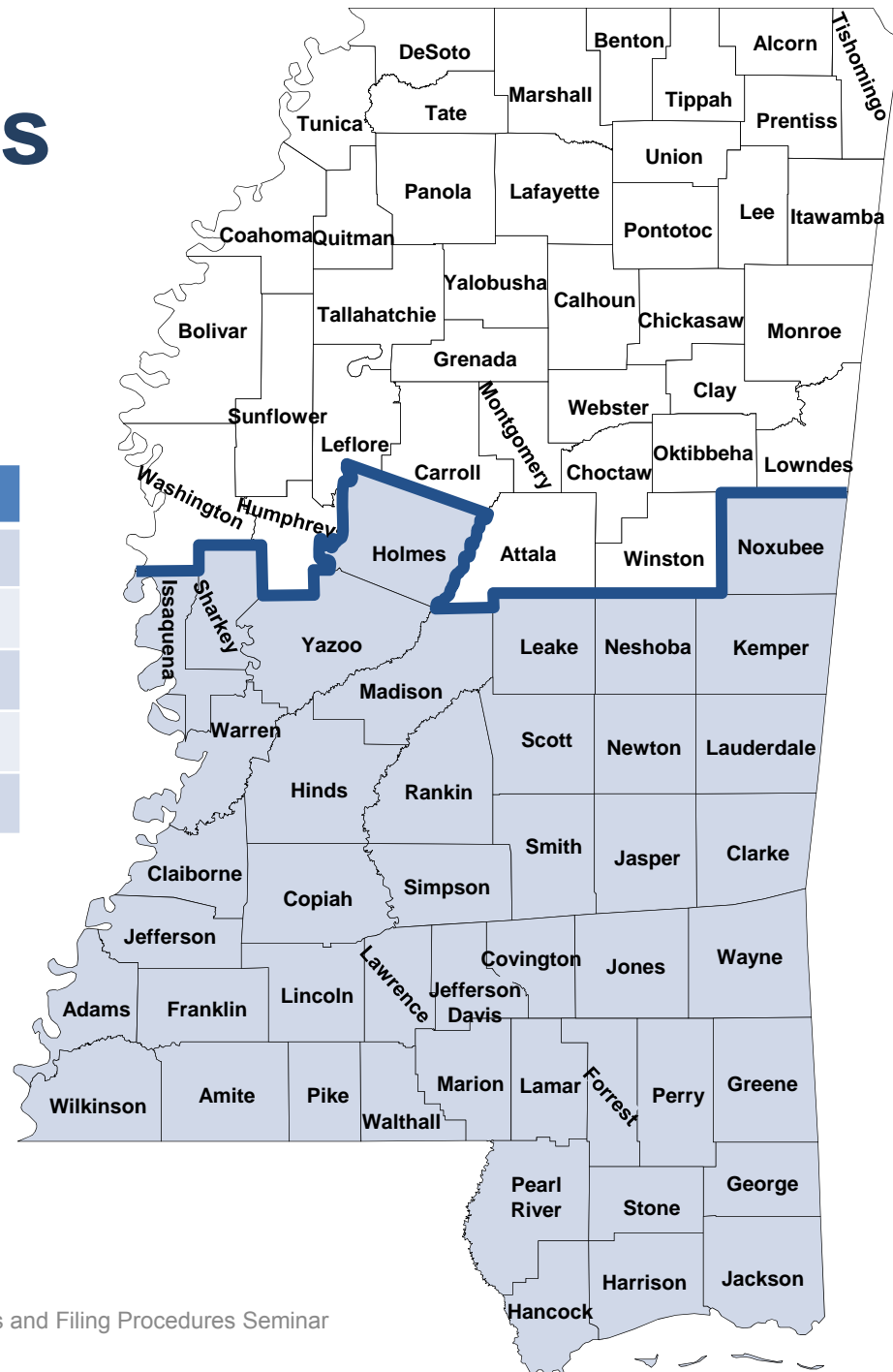
Participants should consult official sources for relevant statutes, federal rules, local rules, and local procedures.



Introductions

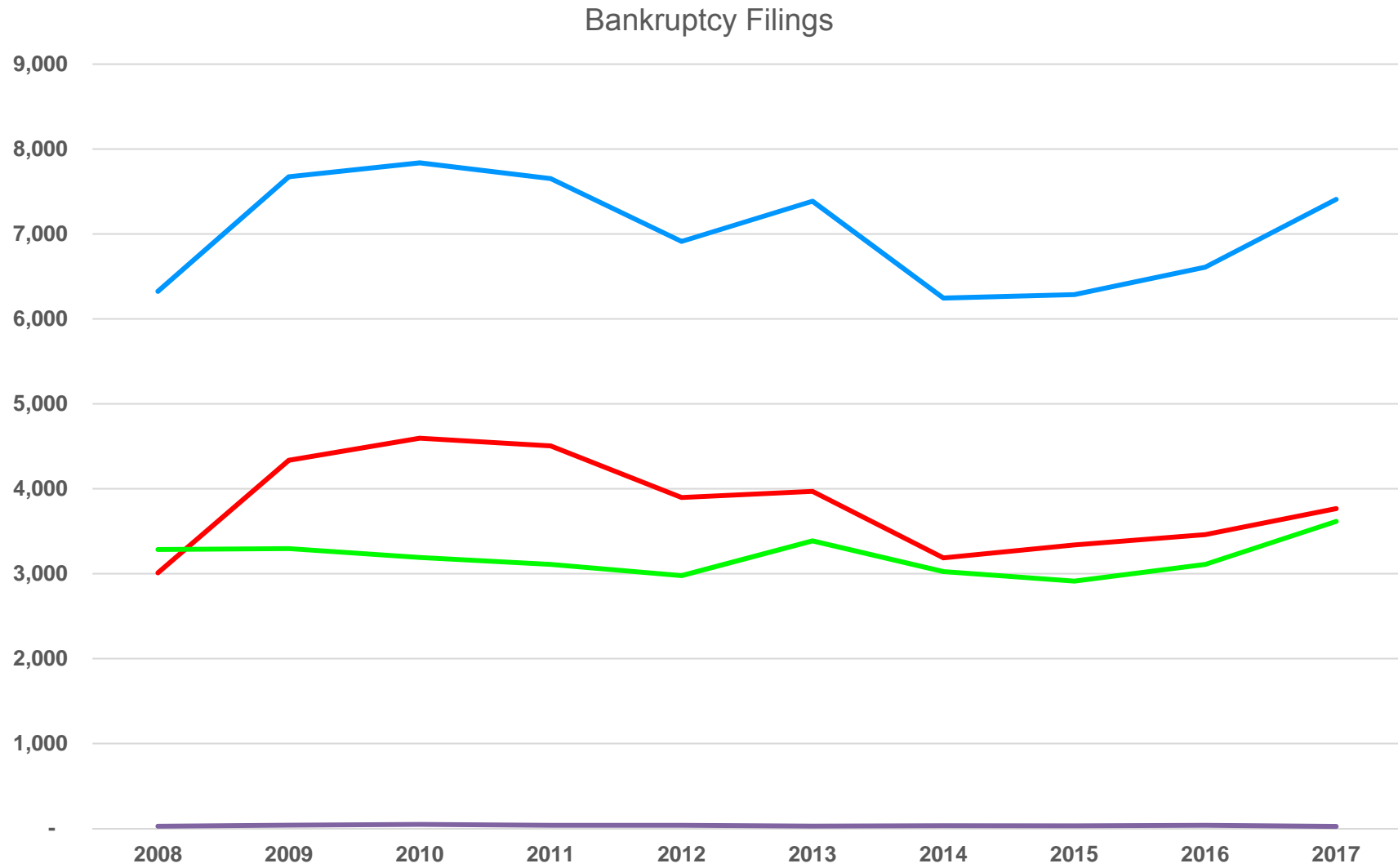
U.S. Bankruptcy Court Southern District of Mississippi

Danny Miller	Clerk of Court
Collette Derouen	Chief Deputy
Margaret Farrell	Operations Analyst
Ruth McIntosh	Operations Manager
Cynthia Loftin	Operations Manager





Bankruptcy Filing Statistics





Other Statistics - 2017

Docket entries – Filers	175,562
Docket entries – Court	91,238
Docket entries – Automated	101,229
Documents filed	362,171
Notices	844,025



Agenda

8:30 – 8:45 am	Welcome and Overview
8:45 – 9:00 am	Update - Bankruptcy Rules – Federal and Local
9:00 – 9:15 am	Assignment of Cases
9:15 – 10:00 am	Certificate of Service; Pleadings and Exhibits; Notice; Fees and Exemptions; Federal and Local Forms; Electronic Signature
10:00 – 10:30 am	Break/Individual Questions
10:30 – 10:45 am	Settlements; Proposed Orders; Communicating with Chambers
10:45 – 11:15 am	Internet Resources for Bankruptcy Research
11:15 – 11:45 am	Local Bankruptcy Rule 3015.1-1 Chapter 13 Plan Form Objection to Confirmation Notice of Hearing
11:45 am – 12:00 pm	Questions/Wrap up



Bankruptcy Rules – S.D. Miss.

- Federal Bankruptcy Rules
- Uniform Local Bankruptcy Rules
- Standing Orders
- Administrative Procedures for Electronic Filing



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 3002.1

Amendments to subdivisions (b) and (e) of Rule 3002.1:

- notice of payment change for home equity lines of credit;
- creates a procedure for objecting to a notice of payment change;
- and expands the category of parties who can seek a determination of fees, expenses, and charges that are owed at the end of the case.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 5005

- Makes electronic filing mandatory in all districts for entities represented by an attorney, unless non-electronic filing is allowed by the court for good cause or is allowed or required by local rule.
- The rule gives discretion to each court to decide whether a pro se individual may or may not be required to file electronically.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 7004

- Amended to update the cross-reference to Federal Rule of Civil Procedure 4.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 7062

- Amended to retain the 14-day period for the automatic stay of a judgment.
- Fed. R. Civ. P. 62 is being amended to increase the period in District Court from 14 to 30 days.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8002

- Amended to clarify that a notice of appeal and other papers are timely filed by inmates if certain specific requirements are met.
- A new subdivision (a)(5) defines entry of judgment and clarifies that the time for filing a notice of appeal begins to run upon docket entry in contested matters and adversary proceedings. In adversary proceedings for which Rule 58 does require a separate document, the time commences when the judgment, order, or decree is entered on the docket and either (1) it is set forth on a separate document, or (2) 150 days have run from the entry on the docket, whichever occurs first.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8006

- Adds new section providing authority for the court to file a statement on the merits of a certification for direct review by the court of appeals when the certification is made jointly by all parties to the appeal.
- This new section is a counterpart to subdivision (e)(2) of Rule 8006, which allows a party to file a similar statement when the court certifies direct review on the court's own motion.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8007

- Conforms with the amendment to Federal Rule of Civil Procedure 62 to replace the term “supersedeas bond” with “bond or other security” as a requirement for obtaining a stay of a judgment and proceedings to enforce the judgment.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8010

- The amendment removes the word “supersedeas” and allows a party to obtain a stay to a judgment by providing a “bond or other security.”



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8011

- Revised to conform with Appellate Rule 25(a)(2)(A)(iii) and is intended to clarify and streamline inmate filings.
- Other changes to Rule 8011:
 - set forth what constitutes timely notice (with and without a declaration or notarized statement);
 - state when service is complete and clarify that service is not effective if the person who filed it (electronically or in paper) receives notice that it did not reach the person(s) to be served);
 - eliminate the requirement of proof of service when service is made through the court's electronic filing system.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8013

- Amended to conform with Appellate Rule 27(d)(2), which was amended to replace page limits for motions and responses with word limits.
- Amended to conform with recent amendments to Rule 32 of the Federal Rules of Appellate Procedure which reduced word limits generally allowed for briefs.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8015

- Subdivision (f) is amended to allow a court to increase the length limit of briefs and other docs in ALL of Part VIII of the Bankruptcy Rules.
- New subdivision (g) which provides a global list of excepted items.
- The certificate-of-compliance provision formerly in Rule 8015(a)(7)(C) is relocated to new subdivision (h).



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8016

- Amended to conform with recent amendments to Federal Rule of Appellate Procedure 28.1 which reduces word limits allowed in briefs and cross-appeals.
- Amended to refer to the new subsection (h) of the Rule 8015, which now contains the certificate-of-compliance provision formerly in Rule 8015(a)(7)(C).



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8017

- Amended to conform with recent amendments to Federal Rule of Appellate Procedure 29, which addresses amicus filings relating to petitions for rehearing.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8018.1 (New Rule)

- Allows district court to treat a bankruptcy court's order as proposed findings of fact and conclusions of law if the district court determines that the bankruptcy court lacked constitutional authority to enter final judgment.
- Eliminates need to remand an appeal to the bankruptcy court merely to recharacterize the judgment as proposed findings and conclusions.



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8021

- Amended to conform with changes to Federal Rule of Civil Procedure 62
- Reference to “supersedeas” is removed and replaced with “bond or other security.”



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 8022

- Rule 8022(b) is amended to conform with Appellate Rule 40(b) which substitutes word limits for page limits in motions for rehearing.
- Documents produced using a computer must include a certificate of compliance as required by Rule 8015(h).



Federal Bankruptcy Rules

December 1, 2018 – Pending Amendments

Fed. R. Bankr. P. 9025

- Amended to conform with Federal Rule of Civil Procedure 62.
- All security providers are brought under the rule by these conforming amendments (even if not a surety).



Uniform Local Bankruptcy Rules

June 1, 2018 – Amendments



Uniform Local Bankruptcy Rules

June 1, 2018 – Amendments

Local Bankruptcy Rule 1006-1 (New Rule)

- Debtor filing an application to pay filing fee in installments must file a disclosure of accounting for fees paid by debtor to debtor's counsel prior to filing of the application.
- If debtor files application to pay filing fee in installments and owes an unpaid fee from a previous case (within 5 years), the Court may deny the application and allow debtor 14 days to pay entire fee for current case.

New Local Form



Uniform Local Bankruptcy Rules

June 1, 2018 – Amendments

Local Bankruptcy Rule 2014-1 (New Rule)

- Application to employ multiple professionals shall include specific allocation of fees, by percentage, among such professionals.
- An order approving employment of professionals does not constitute approvals of such professionals' fee contract or compensation.
- A request for approval of professional's fee contract or compensation must be made by a separate application and approved by a separate order.
- If an application for employment of a professional seeks to make the authority retroactive, the application must include: explanation of: why application was not filed earlier; why the order authorizing employment is required *nunc pro tunc*; and how approval may prejudice any party in interest.



Uniform Local Bankruptcy Rules

June 1, 2018 – Amendments

Local Bankruptcy Rule 4001-1(1) & (4)

- Motion to extend automatic stay must be filed within 4 days after date of filing the petition.
- Debtor must file a Declaration in Support of the Motion as an attachment to the motion.
- Debtor must serve copy on all parties against whom debtor seeks to continue the stay within 2 days of filing the motion and file a certificate of service with the Clerk.
- In the absence of a timely filed response (assuming debtor filed Declaration in support of the motion), the Court may grant the motion without a hearing.



Uniform Local Bankruptcy Rules

June 1, 2018 – Amendments

Local Bankruptcy Rule 4001-1(4)(f)

- Motion to impose automatic stay must state whether imposing stay is sought against all creditors or otherwise specify the creditors.
- Debtor must file a Declaration in Support of the Motion as an attachment to the motion and serve all parties against whom stay is sought within two days and file certificate of service with the court.
- Court shall set a hearing not less than 14 days notice except in extraordinary circumstances.
- A party in interest opposing the motion must file a response and state specifically why the motion should not be granted or state conditions/limitations that should be imposed.
- In the absence of a timely filed response (assuming debtor filed Declaration in support of the motion), the Court may grant the motion without a hearing.



Standing Orders

Amended Standing Order: Procedure for
Modification of a Chapter 13 Plan

6-1-2018

Order Adopting Amended Uniform Local
Bankruptcy Rules

6-1-2018

Order Repealing and Rescinding the
Standing Order Regarding Motion to
Extend or Impose the Automatic Stay

6-1-2018

(requirements incorporated into LR 4001-1)



Administrative Procedures

No Recent Amendments



U.S. Bankruptcy Court

Southern District of Mississippi

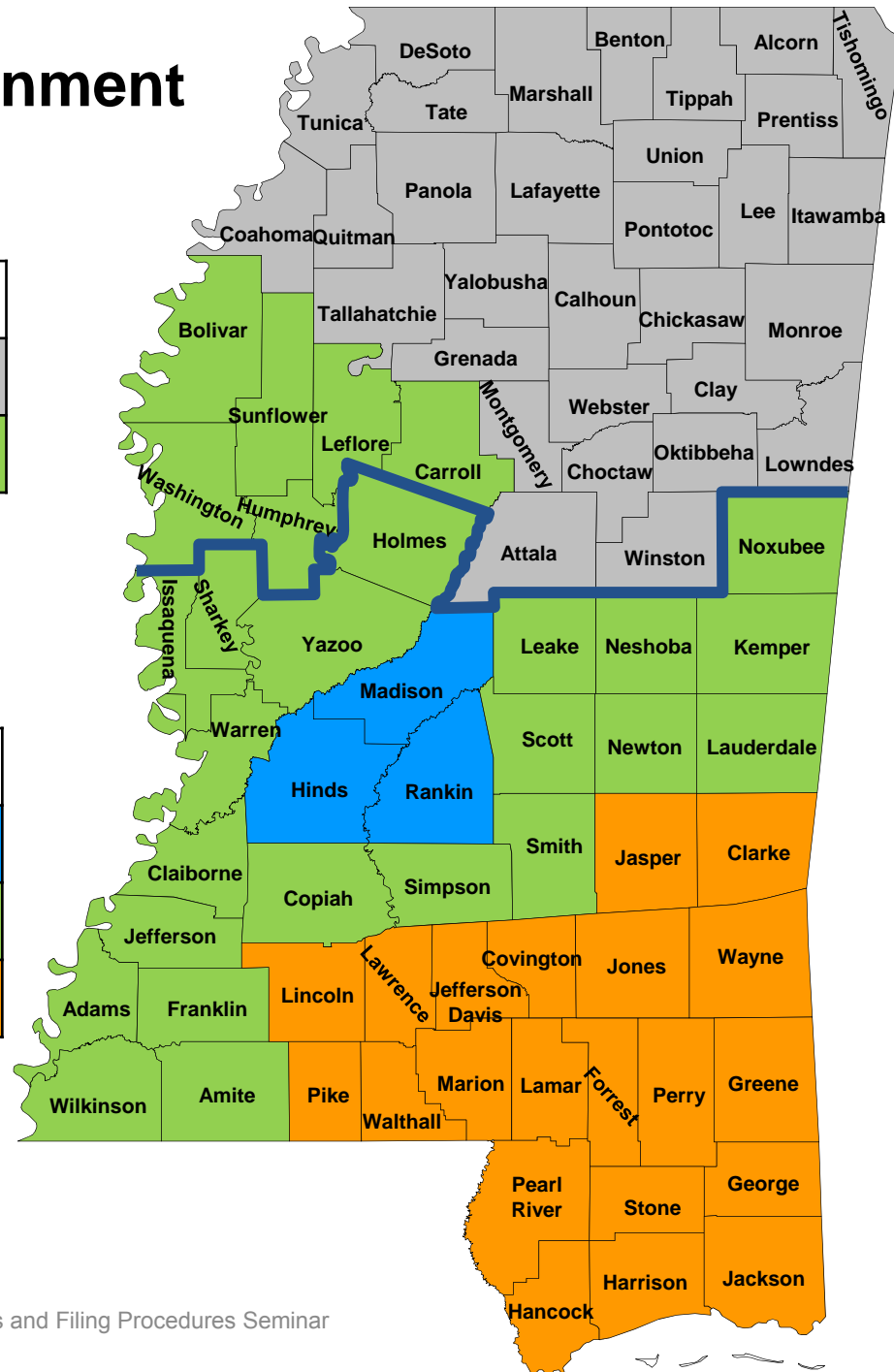
Case Assignments



Current Case Assignment Procedure

Northern District
Judge Woodard
Judge Olack – Greenville

Southern District
Judge Ellington
Judge Olack
Judge Samson





Case Assignment Procedure

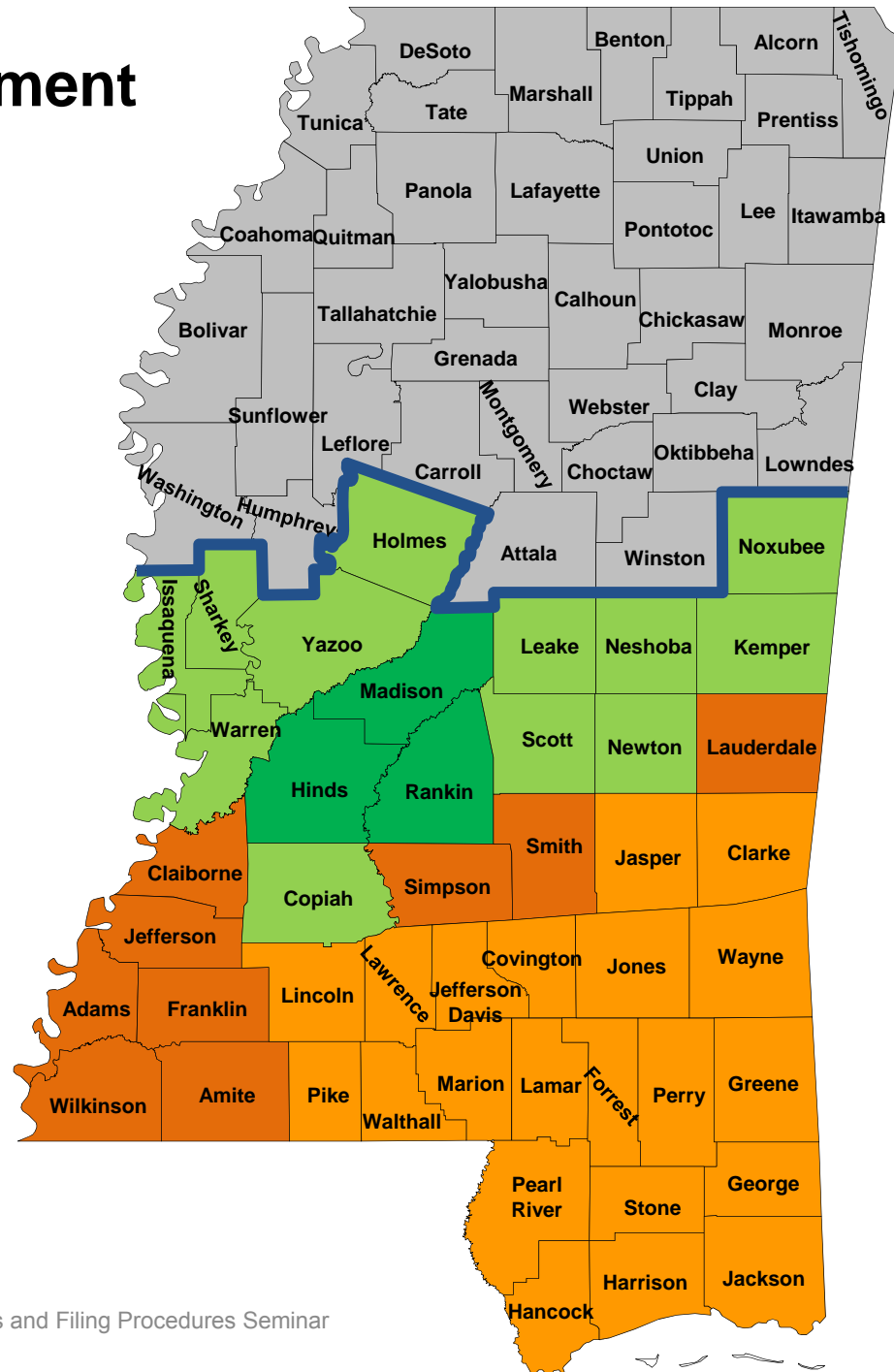
- Judge Ellington set to retire in January 2019.
- Southern District will lose the judgeship.
- Judge Olack and Judge Samson will divide current and new cases on a 50-50 basis.
- Judge Olack will assume Judge Ellington's cases (Hinds, Madison, Rankin).
- Judge Samson will assume cases that are currently Judge Olack's cases in nine counties.
- August 1 – New Chapter 9, 11, 12, 15 cases
- Oct 1/Dec 1 – All new/existing cases.



New Case Assignment Procedure

Northern District
Judge Woodard
New Bankruptcy Judge

Southern District
Judge Olack - new
Judge Olack
Judge Samson - new
Judge Samson





U.S. Bankruptcy Court

Southern District of Mississippi

Filing Procedures and Requirements

Margaret Farrell



U.S. Bankruptcy Court

Southern District of Mississippi

- ☐ Noticing
- ☐ Pleadings & Exhibits
- ☐ Objections to Claim
- ☐ Filing Fees
- ☐ Forms
- ☐ Electronic Signatures
- ☐ ECF Account



Noticing

- Use Court's list of creditors to notice all creditors.
- Verify that the notice provides the correct response/objection period or deadline date.
- Use local forms when available.



Noticing

When is a notice required?

- Use the ECF docketing guide to determine if the pleading requires a negative notice.





ECF Docketing Guide

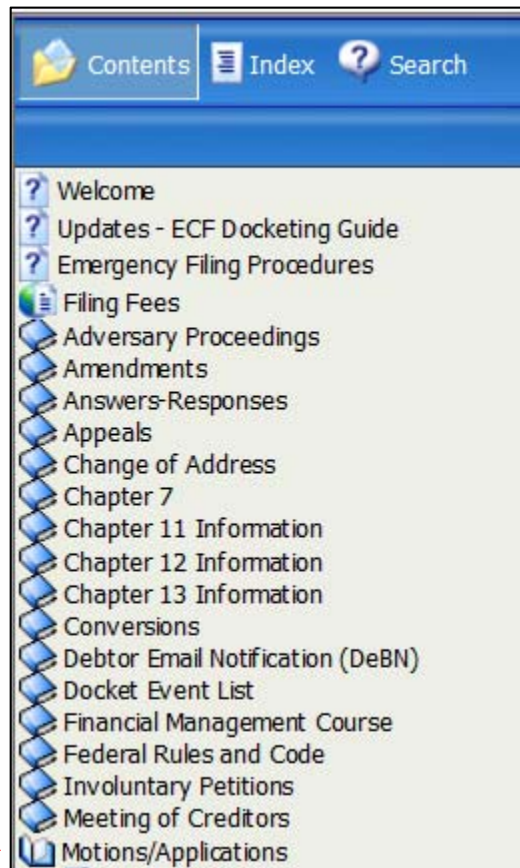
Search Option

A screenshot of the ECF Docketing Guide search interface. The top navigation bar includes links for "Contents", "Index", and "Search". The "Search" link is highlighted with a red box. Below the navigation bar, a search input field contains the word "suspend", and a "Go" button is next to it. To the left of the search field, there are checkboxes for "Show results that include all search words" and "Highlight search results", and a "Search results per page" dropdown set to "10". The main content area has a blue background with the title "ECF Docketing Guide" in large white letters. Below the title, it says "S.D. Miss. Bankruptcy Court: Mission Statement: Implement and interpret the laws of the United States of America, within the jurisdiction of the Bankruptcy Court". The date "7/02/2018" is displayed in the top right corner of the main content area.



ECF Docketing Guide

Motions/Application



Find topic/pleading





ECF Docketing Guide

Pleading Requires Negative Notice

Requirements:		
<u>EE Cases</u>	<u>KMS Cases</u>	<u>NPO Cases</u>
Motion with Certificate of Service	Motion with Certificate of Service	Motion with Certificate of Service
21 Day Notice to creditors/parties in interest	21 Day Notice to creditors/parties in interest	21 Day Notice to creditors/parties in interest
Proposed Order	Proposed Order	Proposed Order



ECF Docketing Guide

Pleading Requires a Hearing

Requirements:		
<u>EE Cases</u>	<u>KMS Cases</u>	<u>NPO Cases</u>
Motion with Certificate of Service	Motion with Certificate of Service	Motion with Certificate of Service
Set for Hearing	Set for Hearing	Set for Hearing
Proposed Order	Proposed Order	Proposed Order



ECF Docketing Guide

Pleading Requires No Notice or Hearing

Requirements:		
EE Cases	KMS Cases	NPO Cases
Motion with Certificate of Service	Motion with Certificate of Service	Motion with Certificate of Service
Proposed Order	Proposed Order	Proposed Order



Certificate of Service

**2010 Standing Order
provides:**

*“...an individual or
entity providing notice
should file a
certificate of service
that includes a record
of what was sent and
to whom.”*

2010-05

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

STANDING ORDER REQUIRING CERTIFICATE OF SERVICE

This order is applicable to all cases filed in the U. S. Bankruptcy Court for the Southern District of Mississippi:

WHEREAS, it is the policy of the Judicial Conference of the United States to require that, “an individual or entity providing notice should file a certificate of service that includes a record of what was sent and to whom.”

It is hereby ordered that a *Certificate of Service* must include information indicating how service was accomplished on any party or counsel, and what method of service was utilized.

SO ORDERED. Effective: February 1, 2010


EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE


NEIL P. OLACK
UNITED STATES BANKRUPTCY JUDGE



Certificate of Service – “**COS**”

Filing of Certificate of Service

- Preferred and most efficient
 - Save pleading and COS as a single pdf document.



Certificate of Service “COS”

Example - Pleading includes COS

Certificate of Service

I, John P. Jones, do hereby certify that I have this date transmitted via Electronic Case Filing, as it appears on this date in the Court registered e-filers of CM/ECF and or via U.S. Mail, postage prepared, a true and correct copy of the above and forgoing Motion for Relief from Automatic Stay to the below parties:

Service method → Service Provided via Notice of Electronic Filing (NEF) through ECF system:

Party served → United States Trustee
Greg J. Hinds, Esq.
Jean Mason, Esq.
J. C. Bell, Trustee

Service method → Parties provided via First Class U.S. Mail:

Party served → Angelia Spencer
P.O. Box 17
Stonewall, MS 39363

Date → Dated this the ____ day of _____, 20__.

Signature → /s/John P. Jones
JOHN P. JONES



Certificate of Service “**COS**”

File COS as a separate document when:

- Fail to include a COS with the pleading
or
- Amend the COS to correct information

Docket Event:

Bankruptcy/Adversary > Other > Certificate of Service



Certificate of Service - **Separate**

Case Caption

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

DEBTOR
JOINT DEBTOR,

CASE NO. _____

DEBTORS.

CHAPTER ____

Service method

Certificate of Service

I, John P. Jones, do hereby certify that I have this date transmitted via Electronic Case Filing, as it appears on this date in the Court registered e-filers of CM/ECF and or via U.S. Mail, postage prepared, a true and correct copy of the above and forgoing Motion for Relief from Automatic Stay to the below parties:

Service Provided via Notice of Electronic Filing (NEF) through ECF system:

United States Trustee
Greg J. Hinds, Esq.
Jean Mason, Esq.
J. C. Bell, Trustee

Parties served

Parties provided via First Class U.S. Mail:

Angelia Spencer
P.O. Box 17
Stonewall, MS 39363

Parties served

Date

Dated this the ____ day of _____, 20__.

Signature

/s/ John P. Jones
JOHN P. JONES



Certificate of Service - **Issues**

Failure to attach court's mailing list when COS references mailing list.

- Filer should amend COS, attaching the mailing list.
 - Download mailing list
 - Attach to Amended COS
 - File Amended COS



Court's Mailing List (Matrix)

Download Options:

Query or Utilities





Court's Mailing List (Matrix)

Query Option





Court's Mailing List (Matrix)

Query Option

Query

Warning: you will be billed for the total number of pages (this report is not subject to the 30-page limit on PACER charges).

Search Clues

[Mobile Query](#)

Case Number

Last / Business Name

(Examples: Desoto, Des*t)

First Name

Middle Name

SSN / ITIN

Tax ID / EIN

Type

☐ Open cases ☐ Closed cases

Filed Date to

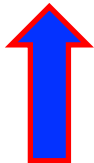
Last Entry Date to

Nature of Suit
(AP and MP
cases only)

01 (Determination of removed claim or cause)
02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))
11 (Recovery of money/property - 542 turnover of property)
12 (Recovery of money/property - 547 preference)

Run Query

Clear





Court's Mailing List (Matrix)

[Mobile Query](#)

Query

[Alias](#)

[Associated Cases](#)

[Attorney](#)

[Case File Location](#)

[Case Summary](#)

[Creditor](#)

[Deadline/Schedule](#)

[Docket Report ...](#)

[Filers](#)

[History/Documents](#)

[Notice of Bankruptcy Case Filing](#)

[Party](#)

[Related Transactions](#)

[Status](#)

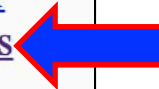
[Trustee](#)

[View Document](#)

[Filing Fee](#)

[Claims Register](#)

[List of Creditors](#)





Court's Mailing List (Matrix)

Query > List of Creditors

List of Creditors

Case number

Special mailing group (*Highlight blank field for no special mailing group*)

Format ☒ 3 columns (*charges are based on a formula independent of the number of pages displayed*)
☐ raw data format



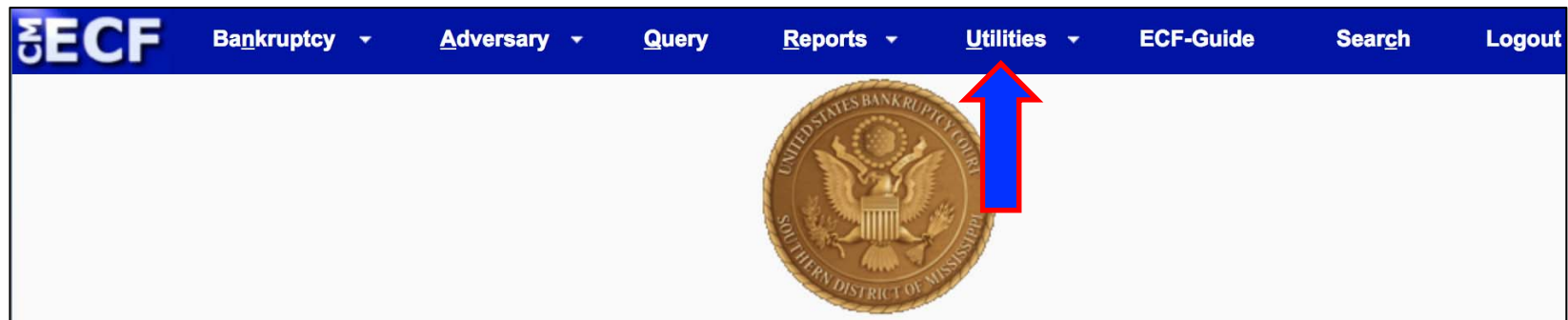
Court's Mailing List (Matrix)

Label Matrix for local noticing 0538-3 Case 18-03000-ee Southern District of Mississippi Jackson-3 Divisional Office Thu Aug 9 08:04:24 CDT 2018	U.S. Bankruptcy Court 501 East Court Street, Suite 2.300 P.O. Box 2448 Jackson, MS 39225-2448	ABS Attn: Bankruptcy Po Box 2461 Harrisburg PA 17105-2461
ABS c/o US Attorney 501 E Court St Ste 4.430 Jackson MS 39201-5025	AMR PO Box 198408 Atlanta GA 30384-8408	Approved Cash 7402 Siwell Road Byram MS 39272-9386
(p) CAINE & WEINER COMPANY 12005 FORD ROAD 300 DALLAS TX 75234-7262	Dept of Ed/Navient Attn: Claims Dept Po Box 9635 Wilkes Barr PA 18773-9635	Dept of Ed/Navient c/o US Attorney 501 E Court St Ste 4.430 Jackson MS 39201-5025
Enhanced Recovery Corp Attn: Bankruptcy 8014 Bayberry Road Jacksonville FL 32256-7412	Entergy Gulf States Attn: Bankruptcy Po Box 8108 Baton Rouge LA 70891-8108	Mississippi Federal CU Attn: Bankruptcy Po Box 55889 Jackson MS 39296-5889
Paragon Revenue Group Attn: Bankruptcy 216 Le Phillip Ct Ne Concord NC 28025-2954	Portfolio Recovery Po Box 41021 Norfolk VA 23541-1021	River Oaks Hosp 1030 River Oaks Dr Flowood MS 39232-9729
Santander Consumer USA Attn: Bankruptcy Po Box 961245 Fort Worth TX 76161-0244	Sears 701 E 60th St North Sioux Falls SD 57104-0432	Tillman Furniture 211 E Marion Ave Crystal Springs MS 39059-2818
United States Trustee 501 East Court Street Suite 6-430 Jackson, MS 39201-5022	Usda Rural Development Attn: Bankruptcy Dept P O Box 66879 St Louis MO 63166-6879	Usda Rural Development c/o US Attorney 501 E Court St Ste 4.430 Jackson MS 39201-5025
DEBTOR'S ATTORNEY (NAME) ADDRESS CITY STATE ZIP	TRUSTEE'S (NAME) ADDRESS CITY STATE ZIP	DEBTOR'S NAME ADDRESS CITY STATE ZIP
The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).		
Caine & Weiner Attn: Bankruptcy Po Box 5010 Woodland Hills CA 91365	End of Label Matrix Mailable recipients 23 Bypassed recipients 0 Total 23	



Court's Mailing List (Matrix)

Utilities Option





Court's Mailing List (Matrix)

Utilities > Mailings

Utilities

Your Account

[Change Your Password](#)
[Clear Default PACER Login](#)
[Internet Payments Due](#)
[Internet Payment History](#)
[Maintain Your ECF Account](#)
[View Your Transaction Log](#)
[Your PACER Account...](#)

Editing

[Verify a Document](#)

System Administration

[Check PDF Document](#)

Reports / Information

[Court Information](#)
[Judgment Index](#)
[Links to Other Courts](#)
[Mailings...](#)
[Pacer Case Locator \(National Index\)](#)

e-Orders

[Judgment Book](#)
[Order Query](#)





Court's Mailing List (Matrix)

Utilities > Mailings > List of Creditors

Mailings

[List of Creditors](#)
[Mailing Info for a Case](#)

List of Creditors

Case number

Special mailing group 0 (Highlight blank field for no special mailing group)

Format ☒ 3 columns (charges are based on a formula independent of the number of pages displayed)

☐ raw data format



Case No.
Date & Time

Example

Preferred mailing address
[11 USC §342(f) and FRBP 2002(g)(4)]

Label Matrix for local noticing 0538-3 Case 18-03000-ee Southern District of Mississippi Jackson-3 Divisional Office Thu Aug 9 08:04:24 CDT 2018 ABS c/o US Attorney 501 E Court St Ste 4.430 Jackson MS 39201-5025	U.S. Bankruptcy Court 501 East Court Street, Suite 2.300 P.O. Box 2448 Jackson, MS 39225-2448 AMR PO Box 198408 Atlanta GA 30384-8408	ABS Attn: Bankruptcy Po Box 2461 Harriensburg PA 17105-2461 Approved Cash 7402 Siwell Road Byram MS 39272-9386
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DEBTOR'S ATTORNEY (NAME) ADDRESS CITY STATE ZIP	TRUSTEE'S (NAME) ADDRESS CITY STATE ZIP	DEBTOR'S NAME ADDRESS CITY STATE ZIP
<div style="border: 1px solid black; padding: 5px;"> The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) . </div>		
Caine & Weiner Attn: Bankruptcy Po Box 5010 Woodland Hills CA 91365	End of Label Matrix Mailable recipients 23 Bypassed recipients 0 Total 23	



Example

Party not served
via U.S. Mail.

Label Matrix for local noticing 0538-3 Case 18-03000-ee Southern District of Mississippi Jackson-3 Divisional Office Thu Aug 9 08:04:24 CDT 2018 AES c/o US Attorney 501 E Court St Ste 4.430 Jackson MS 39201-5025	U.S. Bankruptcy Court 501 East Court Street, Suite 2.300 P.O. Box 2448 Jackson, MS 39225-2448	AES Attn: Bankruptcy Po Box 2461 Harrisburg PA 17105-2461
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Caine & Weiner Attn: Bankruptcy Po Box 5010 Woodland Hills CA 91365	End of Label Matrix Mailable recipients 23 Bypassed recipients 0 Total 23	



Certificate of Service - Filing

Use the below event to file:

- a certificate of service
- or
- an amended certificate of service.

Docket Event:

Bankruptcy/Adversary > Other > Certificate of Service

Docket Text: Modify as Appropriate.

Amended	Certificate of Service	Filed by Debtor
Jon Snow (RE: related document(s)[2] Motion to Suspend Plan Payments).		
(Derouen, Collette)		

Next Clear



Receiving Notices

- Court notices are mailed to the address listed in the debtor's schedules.
- Parties may register with the [Bankruptcy Noticing Center](#) to receive notices:
 - Preferred address
 - Via Email



Bankruptcy Noticing Center

Electronic Bankruptcy Noticing and Preferred Mailing Address Registration

Log In

Home

More Info ▾

Registration

Resources ▾

For Debtors

Contact Us

Welcome to the Bankruptcy Noticing Center

This website allows you to sign up to receive all of your bankruptcy notices electronically through the National Creditor Registration Service (NCRS) or consolidate all U.S. Postal Service notices at one address. This is a free service provided by the U.S. Bankruptcy Courts to give recipients more convenient delivery options for their bankruptcy notices. You can have notices delivered either:

1. Electronically - Faster, more reliable and convenient
2. To a designated mail address - Redirects U.S. Mail delivery to a preferred address

Sign up for service today

Modify existing services or update account

<https://bankruptcynotices.uscourts.gov>



Noticing

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Pleadings and Exhibits



Amended Pleadings

Before filing an amended pleading:

- Contact the Clerk's office to confirm the appropriate docket event.



Amended Pleadings

Examples

- Motion for Relief from Automatic Stay,
- Motion for Relief from Codebtor Stay,
- Motion to Reopen Bankruptcy Case,
- Motion to Dismiss Debtor
- Motion to Substitute Attorney.



Amended Pleadings

Use the same event as the original filing.

- Select “Amended” from the drop down list.

Docket Text Modify as Appropriate.

Amended Motion for Relief from Stay as to *2001 Chevrolet Camaro*.

Fee Amount \$181, Filed by Creditor Hancock Bank (Farrell, Margaret)




Amended Pleadings

Include “Amended” or “Corrected” in the title.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF MISSISSIPPI	
IN RE: [REDACTED] DEBTOR(S)	
	CHAPTER 13 BANKRUPTCY CASE NO. [REDACTED] KMS
<div>AMENDED</div> <u>MOTION TO ALLOW LATE FILED CLAIM</u>	



Amended Pleadings

07/23/2018	 80	Amended Motion to Allow Late Filed / Amended or Supplemental Claims 28 Filed by [REDACTED] (Entered: 07/23/2018)
------------	--	--

IN RE:

[REDACTED]
DEBTOR(S)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

CHAPTER 13 BANKRUPTCY
CASE NO. [REDACTED] KMS

AMENDED

MOTION TO ALLOW LATE FILED CLAIM



Amended Pleadings

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Objection to Proofs of Claim



Objection to Proofs of Claim

Requirements:

- 30 day notice to claimant, debtor, and trustee.
 - Response → set for hearing.
- Contents
 - a) Name of claimant;
 - b) Claim number
 - c) Claim amount;
 - d) Basis for objection;
 - e) Undisputed claim amount (*if any*).



Objection to Proofs of Claim

Local Form

MSSB-LR-3007-1

MSSB-LR-3007-1 (12/17)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

[NAME OF DEBTOR(S)]

CASE NO. [XX-XXXX-XX]

DEBTOR.

CHAPTER [XX]

NOTICE OF OBJECTION TO CLAIM

You are hereby notified that an objection to your claim has been filed in the above-referenced bankruptcy case. Your claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your claim, a written response to the attached objection to claim must be filed with:

Clerk, U.S. Bankruptcy Court
Southern District of Mississippi
[Clerk's Address]

and a copy must be served on the undersigned Debtor(s)' attorney and the case trustee on or before thirty (30) days from the date of this notice. In the event a written response is filed, the court will notify you of the date, time, and place of the hearing thereon.

Signature of Attorney for Debtor(s)

Dated: _____
MM/DD/YYYY

Address Line 1

Address Line 2

City, State, and Zip Code

Telephone Number

MS Bar Number

Email Address



Objection to Proofs of Claim

File Objection, Notice, and Certificate of Service *(together)*

Docket Event:

Bankruptcy> Claim Action> Objection to Claim with
30 day notice



Objection to Proofs of Claim

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Filing Fees



Filing Fees

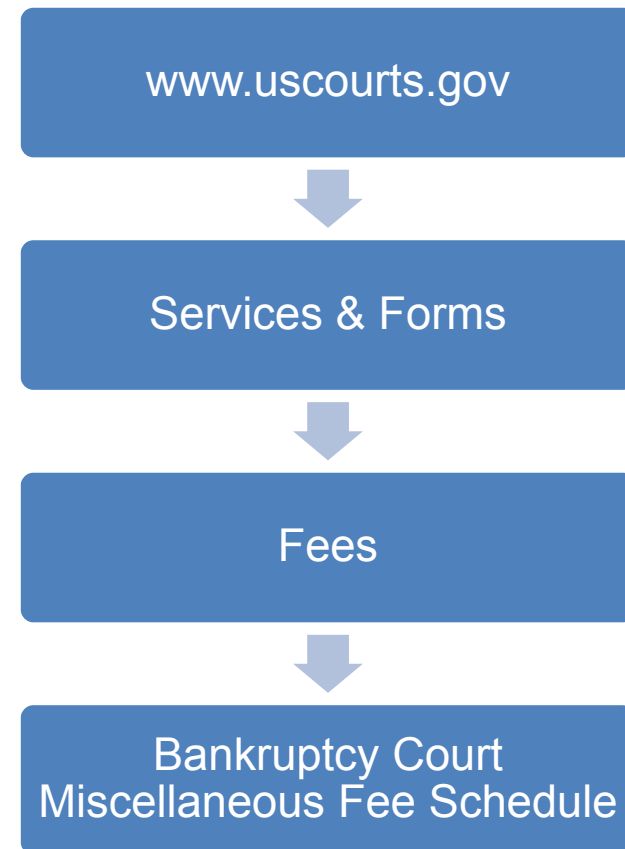
The bankruptcy clerk must collect all ***“fees, costs, and other monies”*** and must account for their payment into the United States Treasury.



Filing Fees

- 28 USC § 1930(a)
 - *Initial filing fees*

- 28 USC § 1930(b)
 - *Bankruptcy Court Miscellaneous Fee Schedule*





Filing Fees Not Required

Exempt, Defer, or Waive



Filing Fees Not Required

- Exempt - Federal Rule or Statute does not require the party to pay the fee.
- Defer - Party request to delay paying the fee.
- Waive - Filing fee is forgiven.



Exempt from Filing Fees

United States Government Agencies:

- Small Business Administration (SBA)
- Internal Revenue Service (IRS)
- United States Trustee (UST)
(other than acting as a private trustee in the case)



Exempt from Filing Fees

Individual debtor files:

- Adversary Complaint.
- Motion to Reopen to file an action related to discharge.



Defer Filing Fee

Chapter 7 Trustee files:

- Adversary Complaint on Behalf of the Estate.
- Motion to Reopen to Recover Assets
 - No assets recovered - no fee due
 - Assets recovered - fee payable from the estate.



Fee Waiver

Voluntary Petition In Forma Pauperis

Individual chapter 7 debtor whose income is less than 150% of the official poverty line and is unable to pay the filing fee in installments.



Filing Fees

How to prevent fee charge by ECF if fee is not required by statute, rule, etc.



Exempt from Filing Fee

Docketing Process

File a Motion:

[18-00001 Dorothy Gale and John Gale](#)

Type: bk

Chapter: 7 v

Office: 3 (Jackson-3 Divisional Office)

Assets: n

Case Flag: CrsUpd, Repeat-mssb-test, CounDue, CounDueJt, DebtEd, DebtEdJt

Description of Property:

LEAVE THE RECEIPT NUMBER BLANK IF YOU WILL BE PAYING VIA THE INTERNET!

Receipt #: Fee: \$181

Next

Clear



Exempt from Filing Fee

Docketing Process

LEAVE THE RECEIPT NUMBER **BLANK** IF YOU WILL BE PAYING VIA THE INTERNET!

Receipt # Fee: \$181

Filer exempt - enter “*Exempt*” in the receipt field.

Avoid characters e.g. “*n/a*”



Exempt from Filing Fee

Docketing Process

07/18/2018	4 (1 pg)	Motion for Relief from Stay as to <i>House and Land</i> . Receipt Number Exempt , Fee Amount \$181, Filed by Creditor SMALL BUSINESS ADMINISTRATION (Derouen, Collette) (Entered: 07/18/2018)
------------	-----------------------------	--

“**Exempt**” displays as the receipt number.



Defer Filing Fee

Docketing Process

File a Motion:

[15-00001-NPO Marilyn G. Ward](#)

Type: bk

Chapter: 13 v

Office: 3 (Jackson-3 Divisional Office)

Assets: y

Debtor disposition: Standard Discharge

Judge: NPO

LEAVE THE RECEIPT NUMBER BLANK IF YOU WILL BE PAYING VIA THE INTERNET!

Receipt #: Fee: \$235

Next

Clear

Filer seeks to defer fee - enter “Defer” in the receipt field.



Defer Filing Fee

Docketing Process

07/18/2018	37 (1 pg)	Motion to Reopen Chapter 13 Case . Receipt Number Defer, Fee Amount \$235 Filed by Debtor Marilyn G. Ward (Derouen, Collette) (Entered: 07/18/2018)
------------	------------------------------	---

“**DEFER**” displays as the receipt number.



Fee Waiver

Case Opening Process

Open Voluntary Bankruptcy Case

Prior filing within last 8 years

no

Fee status

IFP filing fee waived

Nature of debt

consumer

Asset notice

No

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Filing Fee Waived - *In Forma Pauperis*
(Only Chapter 7 individual debtors)



Fee Waiver

Docketing Process

Filing Date	#	Docket Text
07/19/2018	1 (2 pgs)	Chapter 7 Voluntary Petition Individual . Filed by Carol Seymour (Derouen, Collette) (Entered: 07/19/2018)

No Receipt or Fee Information in Docket Text.



Filing Fees

Unpaid Filing Fees



Unpaid Filing Fees


CM/ECF Lockout Feature

- 28 USC. § 1930 requires that fees be paid at time of filing.
- Fees not paid the same day as filing:
 - ECF system automatically suspends viewing and filing capabilities until all outstanding filing fees paid.



Unpaid Filing Fees

Email Notification

**Outstanding Fees**
ECF_Notification_Do-Not-Reply to: [REDACTED]
07/13/2018 01:00 AM
[Hide Details](#)

From: ECF_Notification_Do-Not-Reply@mssb.uscourts.gov
To: [REDACTED]

U.S. Bankruptcy Court [REDACTED]
Southern District of Mississippi


This is an automated notice to remind you that you have outstanding fees due to the Bankruptcy Court. 28 U.S.C. Section 1930 requires that fees be paid at the time of filing. Please click on the link to make payments - [Internet Payments Due](#). Failure to pay these fees may cause the case to be dismissed without further notice pursuant to 11 U.S.C. Section 707(a)(2).

If you are having technical difficulties in processing your payment, please call 601-608-4600. CM/ECF will automatically disable access for users with fees outstanding for over 1 days. A user who is disabled may login to CM/ECF, but may not view or file any documents until he or she pays all associated fees. Once fees are paid, log out from CM/ECF, close and reopen your browser, and log in to CM/ECF again.



Unpaid Filing Fees


Summary of Charges

Payments Due 

Summary of current charges:

Date Incurred	Description	Amount
2018-07-19 12:08:48	Motion for Relief From Stay(18-50010) [motion,mrlfsty] (181.00)	\$ 181.00
		Total: \$ 181.00

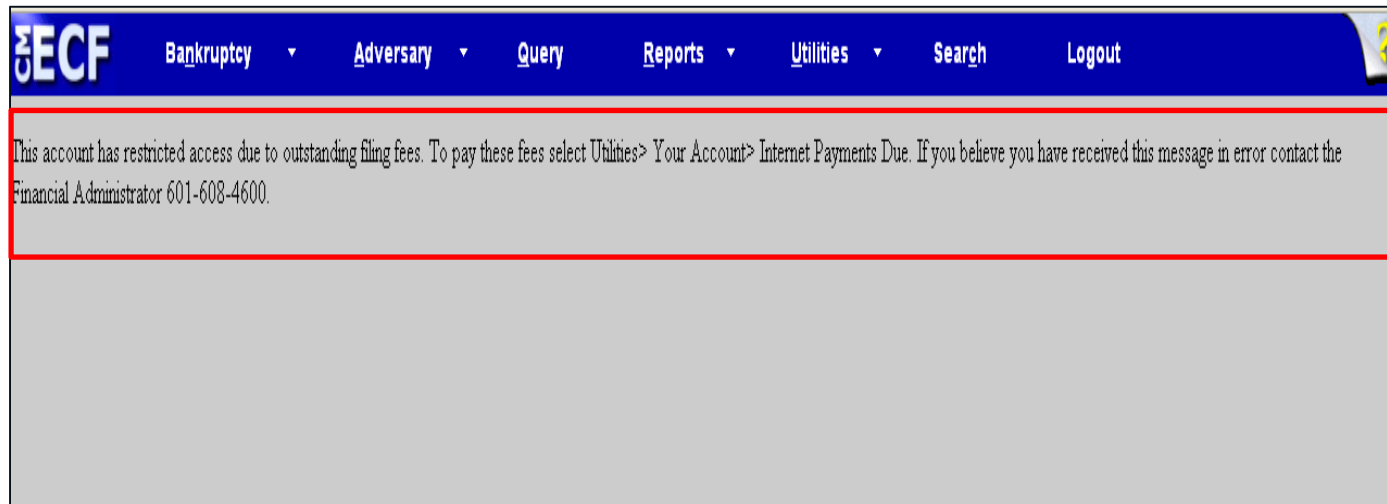
[Pay Now](#)





Unpaid Filing Fees

Lockout Message





Unpaid Filing Fees

Payment

A screenshot of the ECF (Electronic Case Filing) system interface. The top navigation bar is blue with white text for "ECF", "Bankruptcy", "Adversary", "Query", "Reports", "Utilities", "Search", and "Logout". A red rectangle highlights the "Utilities" dropdown menu, which is open, showing options: "Your Account", "Internet Payments Due", "Internet Payment", and "Internet Payment History". Below the navigation bar, a grey message box contains the text: "This account has restricted access due to outstanding filing fees. To pay these fees select Utilities> Your Account> Internet Payment". To the right of this message, partially visible, is another message: "received this message in error contact the Financial Administrator 601-608-4600." A yellow question mark icon is visible in the top right corner of the interface.



Unpaid Filing Fees

Internet Payment Due

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Internet Payments Due

Select all

Check Fees to Pay	Date Incurred	Description	Amount
<input checked="" type="checkbox"/>	2012-07-24 11:41:28	Motion to Convert Case From Chapter 12 to 11(10-00050-NPO) [motion,mcn12t11] (800.00)	\$ 800.00

Next Clear



Unpaid Filing Fees

Internet Payment Due

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Internet Payments Due

Date Incurred	Description	Amount
2012-07-24 11:41:28	Motion to Convert Case From Chapter 12 to 11(10-00050-NPO) [motion_mcn12t11] (800.00)	\$ 800.00
		Total: \$800



Unpaid Filing Fees

Online Payment Site

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

Pay Via Plastic Card (PC) (ex: American Express, Discover, Mastercard, VISA)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$800.00

Billing Address: *





Billing Address 2:

City:

State / Province:

Zip / Postal Code:

Country: United States *

Card Type: *    

Card Number: * (Card number value should not contain spaces or dashes)

Security Code: * [Help finding your security code](#)

Expiration Date: / *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

Pay.govSM



Unpaid Filing Fees

Payment Transaction Receipt

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

U.S. Bankruptcy Court [TEST]
Southern District of Mississippi

Thank you. Your transaction in the amount of \$ 800.00 has been completed.

Please [print a copy of your transaction receipt](#) for future reference. The transaction number is 54733.

Detail description:
Motion to Convert Case From Chapter 12 to 11(10-00050-NPO) [motion,mcn12t11] (800.00)



Unpaid Filing Fees

Filing Rights Enabled

The screenshot displays the ECF (Electronic Case Filing) system interface. The top navigation bar is blue with white text for "ECF", "Bankruptcy", "Adversary", "Query", "Reports", "Utilities", "Search", and "Logout". The "Bankruptcy" menu item is highlighted with a red box. Below the navigation bar, the text "U.S. Bankruptcy Court [TEST]" and "Southern District of Mississippi" is centered. The main content area is gray and contains the following text: "Thank you. Your transaction in the amount of \$ 800.00 has been completed." followed by "Please [print a copy](#) of your transaction receipt for future reference. The transaction number is 54733." and "Detail description: Motion to Convert Case From Chapter 12 to 11(10-00050-NPO) [motion,mcn12t11] (800.00)".



Filing Fees

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Fillable Forms

Local Forms



Fillable Forms

Fillable forms save time.

This file includes fillable form fields.
You can print the completed form and save it to your device or Acrobat.com.

Highlight Existing Fields

Fill in this information to identify your case:

United States Bankruptcy Court for the:
District of

Case number (if known): Chapter you are filing under:
☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an amended filing

Official Form 101
Voluntary Petition for Individuals Filing for Bankruptcy 12/17

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

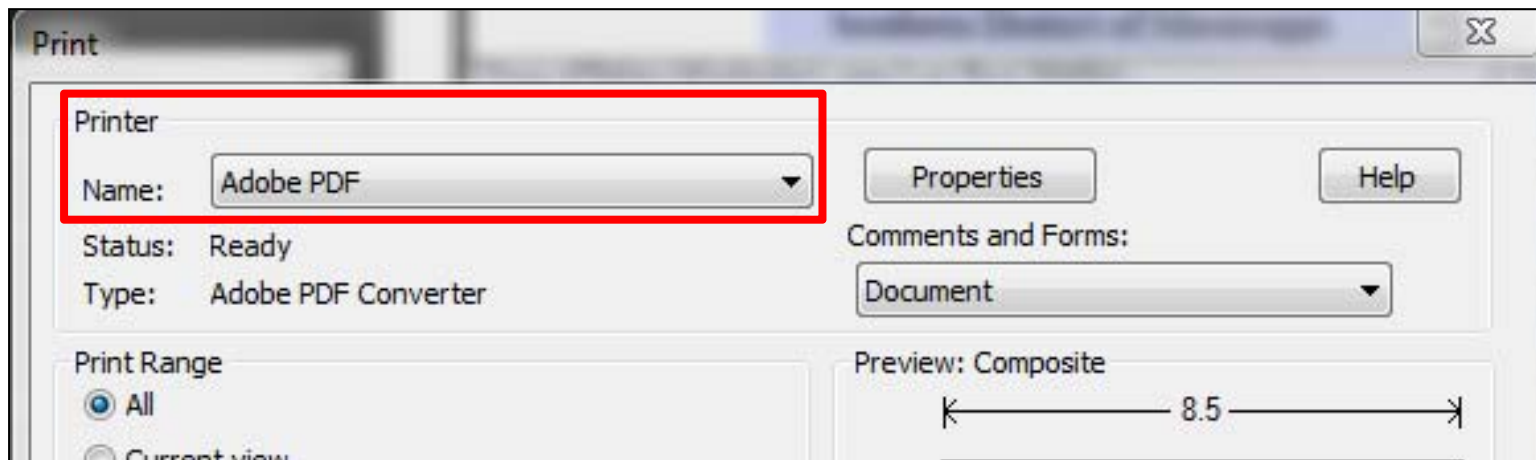
Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	<input type="text"/> First name <input type="text"/> Middle name <input type="text"/> Last name <input type="text"/> Suffix (Sr., Jr., II, III)	<input type="text"/> First name <input type="text"/> Middle name <input type="text"/> Last name <input type="text"/> Suffix (Sr., Jr., II, III)



Fillable Forms - Print/Save Process

File > Print > select *Adobe PDF* as the printer



“Flatten”



Fillable Forms

Most official forms are fillable and can be found on the U.S. Courts website:

www.uscourts.gov/services-forms/forms

A screenshot of the U.S. Courts website. The header includes the U.S. Courts logo, a navigation bar with links for Email Updates, Court Locator, Careers, News, Listen to this page, and a search bar. Below the header is a red navigation bar with links for Home, About Federal Courts, Judges & Judgeships, Services & Forms (highlighted), Court Records, Statistics & Reports, and Rules & Policies. The main content area is titled "Forms" and includes a sidebar with links for Forms, Attorney Forms, and Bankruptcy Forms. The main text reads: "Find a national federal court form. National court forms can be used in all federal courts. Each federal court maintains their own local court forms. Use the Court Locator to find a federal court and their local court forms."



Local Forms

Local forms available at
www.mssb.uscourts.gov





Fillable Forms

Forms/Fees Page





Fillable Forms

Local Forms Page

Home > Bankruptcy Forms/Fees > Local Forms

Local Forms		
Form Name	Description	Revision Date
MSSB-1320	Application for Search of Bankruptcy Records	12/01/2016
MSSB-1320 Instructions	- Instructions for Application for Search of Bankruptcy Records	12/01/2016
MSSB-M13-1	Certification and Motion for Entry of Discharge	12/01/2015
MSSB-CC-E	Certification of Exigent Circumstances	12/01/2015
MSSB-LR-1006-1	Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel	06/01/2018
MSSB-LR-1006-1	Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel (Fillable Form)	06/01/2018
MSSB-LR-3007-1	30 Day Notice Re: Objection to Claim	12/01/2017
MSSB-LR-3007-1	30 Day Notice Re: Objection to Claim (Fillable Form)	01/11/2018
MSSB-LR-3015-1	Notice of Filing Chapter 13 Plan	12/01/2017
MSSB-LR-3015-1	Notice of Filing Chapter 13 Plan (Fillable Form)	01/11/2018
MSSB-LR-3015-1-COS	Certificate of Service Re: Notice of Filing Chapter 13 Plan	12/01/2017
MSSB-LR-3018-1	Chapter 11 Ballot Summary and Certification	12/01/2013
MSSB-13-OCF	Chapter 13 Confirmation Order	12/01/2017
MSSB-113	Chapter 13 Plan and Motions for Valuation and Lien Avoidance	12/01/2017
MSSB-DEAS	Declaration Re: Motion to Extend the Automatic Stay	09/01/2011
MSSB-DIAS	Declaration Re: Motion to Impose the Automatic Stay	09/01/2011
MSSB-OGRA	Default Order Granting Relief from Automatic Stay	12/30/2013
MSSB-MRD	Motion to Restrict Public Access and Redact Document	03/26/2015
MSSB-ORD	- Order Granting Motion to Restrict Public Access and Redact Document	03/26/2015



Local Forms - New

Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel

Local Forms		
Form Name	Description	Revision Date
MSSB-1320	Application for Search of Bankruptcy Records	12/01/2016
MSSB-1320 Instructions	- Instructions for Application for Search of Bankruptcy Records	12/01/2016
MSSB-M13-1	Certification and Motion for Entry of Discharge	12/01/2015
MSSB-CC-E	Certification of Exigent Circumstances	12/01/2015
MSSB-LR-1006-1	Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel	06/01/2018
MSSB-LR-1006-1	Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel (Fillable Form)	06/01/2018

Miss. Bankr. L.R. 1006-1(b)(1)



Local Form - New

Disclosure of Pre-Petition Fees

1st File application to pay filing fee in installments.

2nd File disclosure statement

Docket Event:

Bankruptcy> Other> Disclosure of Pre-Petition Fees Paid to Debtor's Attorney (Local Form MSSB-LR-1006-1)

MSSB-LR-1006-1 (6/18)

Fill in this information to identify your case:

Debtor 1
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Southern District of Mississippi

Case number _____
(if known)

☐ Check if this is an amended disclosure.

Disclosure of Pre-Petition Fees Paid by Debtor to Debtor's Counsel

Pursuant to Miss. Bankr. L. R. 1006-1(b)(1), I certify that I am the attorney for the above-named debtor(s), and that fees paid to me before the filing of the application to pay filing fees in installments in connection with the above-referenced bankruptcy case is as follows:

Available Events (click to select events)

Disclosure of Compensation of Attorney for Debtor

Disclosure of Compensation of Bankr. Petition Preparer (Form 2800)

Disclosure of Pre-Petition Fees Paid to Debtor's Attorney (Local Form MSSB-LR-1006-1)



Local Forms - Revised

Notice of Amendments

Home > Bankruptcy Forms/Fees > Local Forms		
Local Forms		
MSSB-OGRAS	Default Order Granting Relief from Automatic Stay	12/30/2013
MSSB-MRD	Motion to Restrict Public Access and Redact Document	03/26/2015
MSSB-ORD	- Order Granting Motion to Restrict Public Access and Redact Document	03/26/2015
MSSB-A7-1	Notice Amending Schedules (Ch 7 - No Asset)	07/27/2018
MSSB-A7-2	Notice Amending Schedules (Ch 7 - Asset)	07/27/2018
MSSB-A7-3	Notice Amending Creditor List/Matrix (Ch 7)	07/27/2018
MSSB-A13-1	Notice Amending Schedules (Ch 13)	07/27/2018
MSSB-A13-2	Notice Amending Creditor List/Matrix (Ch 13)	07/27/2018



Local Forms - Revised

Amending:

Chapter 13 Schedules
Chapter 13 Matrix (only)

New Time Period:

- Object to Plan **30 days**
- File claim **70 days**

Local Forms

MSSB-A13-1
MSSB-A13-2

MSSB-A13-1 (Rev. 7/18)

Example
Ch. 13 - Notice of Amendment (Amend Schedules, List of Creditors, & Plan)

United States Bankruptcy Court
Southern District of Mississippi

In re: _____ Case No. _____
Debtor(s) Chapter 13

To: **Affected Creditors** [List name & address of each affected creditor or attach a list containing the name & address of each affected creditor]
U. S. Trustee
Case Trustee [Input Trustee's Name]

Notice of Amendment of Schedules

Please take notice the debtor(s) named above has filed with the Bankruptcy Court an Amendment of Schedules to add one or more additional creditors. (See amended schedules and chapter 13 plan (if applicable) enclosed.)

If the affected creditor wishes to examine the debtor(s) under oath, the creditor has a right to request an adjourned § 341(a) creditor's meeting. The request must be made with the U.S. Trustee, 501 East Court St., Ste. 6-430, Jackson, MS 39201, within **21 days** from the date of this notice. (See copy of the original *Notice of Chapter 13 Bankruptcy Case* ("§ 341 Meeting of Creditors Notice") attached.)

The affected creditor has **60 days** from the date of this notice to file, with the U.S. Bankruptcy Court, a complaint to determine the dischargeability of a debt under § 523(c) of the Bankruptcy Code, a motion objecting to discharge under § 1328(f) of the Bankruptcy Code or a motion to seek an extension of time for filing a complaint or a motion objecting to discharge.

The affected creditor has **30 days** from the date of this notice to file, with the U.S. Bankruptcy Court, an objection to the debtor's Chapter 13 Plan.

The affected creditor is given **30 days** from the conclusion of the meeting of creditors or **30 days** from the date of this notice, whichever is later, to file with the U.S. Bankruptcy Court an objection to the list of property claimed as exempt.

The affected creditor has **70 days** from the date of this notice to file a Proof of Claim with the U.S. Bankruptcy Court. A Proof of Claim form (Official Form 410) may be obtained at www.mssb.uscourts.gov or any bankruptcy clerk's office.

Address of the U.S. Bankruptcy Court is provided on the attached § 341 Meeting of Creditors Notice.

Date: _____ Signature of Attorney for Debtor(s) _____

Certificate of Service

I, the undersigned attorney for the above referenced debtor(s), do hereby certify that I have this date served a true and correct copy of the notice of amendment, § 341 Meeting of Creditors Notice, amended schedules, and chapter 13 plan (if applicable) to the affected creditor(s) via First Class U.S. Mail and the case trustee and U.S. Trustee via Notice of Electronic Filing (NEF) through the ECF system.

Date: _____ Signature of Attorney for Debtor(s) _____

Name of Attorney, MS Bar # _____
Address _____
City, State, Zip _____
Telephone Number _____
E-mail address _____



Local Forms - Revised

Notice Amending:

Chapter 7 (Asset) Schedules
Chapter 7 Matrix (only)

New Time Period:

- File claim **70 days**

Local Forms

MSSB-A7-2
MSSB-A7-3

MSSB-A7-2 (Rev. 7/18)

Example
Ch. 7 – Asset – Notice of Amendment (Amend Schedules & List of Creditors)

United States Bankruptcy Court
Southern District of Mississippi

In Re: _____ Case No. _____
Debtor(s) Chapter 7

To: **Affected Creditors** [List name & address of each affected creditor or attach a list containing the name & address of each affected creditor]
U. S. Trustee
Case Trustee [Input Trustee's Name]

Notice of Amendment of Schedules

Please take notice the debtor(s) named above filed with the Bankruptcy Court an Amendment of Schedules to add one or more additional creditors. (See amended schedules enclosed.)

If the affected creditor wishes to examine the debtor(s) under oath, the creditor has a right to request an adjourned § 341(a) creditor's meeting. The request must be made with the U.S. Trustee, 501 East Court St., Ste. 6-430, Jackson, MS 39201, within **21 days** from the date of this notice. (See copy of the original *Notice of Chapter 7 Bankruptcy Case* ("§ 341 Meeting of Creditors Notice") attached.)

The affected creditor(s) has **60 days** from the date of this notice to file, with the U.S. Bankruptcy Court, a complaint objecting to the debtor's discharge under § 727(a) of the Bankruptcy Code, a complaint to determine the dischargeability of a debt under § 523(c) of the Bankruptcy Code, a motion objecting to discharge under §§ 727(a)(8) or (a)(9) of the Bankruptcy Code, or to file a motion to seek an extension of time for filing a complaint or a motion objecting to discharge, unless a longer period of time is provided by Rules 4004, 4007, and 9006, of the Federal Rules of Bankruptcy Procedure.

The affected creditor is given **30 days** from the conclusion of the meeting of creditors or **30 days** from the date of this notice, whichever is later, to file with the U.S. Bankruptcy Court an objection to the list of property claimed as exempt.

The affected creditor has **70 days** from the date of this notice to file a Proof of Claim with the U.S. Bankruptcy Court. A Proof of Claim form (Official Form 410) may be obtained at www.uscourts.gov, or any bankruptcy clerk's office.

Address of the U.S. Bankruptcy Court is provided on the attached § 341 Meeting of Creditors Notice.

Date: _____ Signature of Attorney for Debtor(s) _____

Certificate of Service

I, the undersigned attorney for the above referenced debtor(s), do hereby certify that I have this date served a true and correct copy of the notice of amendment, § 341 Meeting of Creditors Notice, and the amended schedules to the affected creditor(s) via First Class U.S. Mail and the case trustee and U.S. Trustee via Notice of Electronic Filing (NEF) through the ECF system.

Date: _____ Signature of Attorney for Debtor(s) _____

Name of Attorney, MS Bar # _____
Address _____
City, State, Zip _____
Telephone Number _____
E-mail address _____



Forms

Questions?



U. S. Bankruptcy Court

Southern District of Mississippi

Electronic Signatures



Electronic Signatures

Local Rule 9011-1(a)(2)

- ECF user login and ID constitutes signature for the electronic filing.
- Filed document must contain the name (/s/ *Jane Doe*) of the person whose login and ID were used.



Electronic Signatures

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Electronic Case Filing System Account Management



ECF Account Management

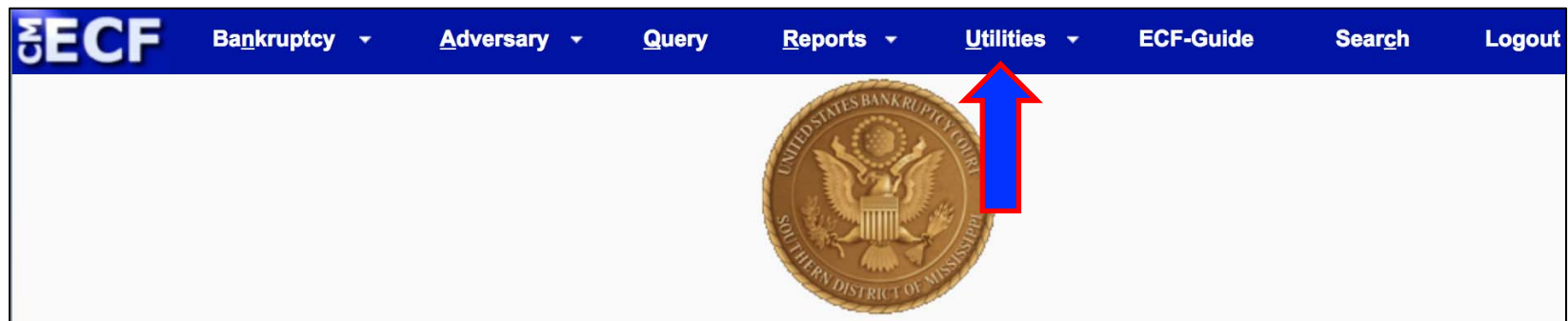
Contact Information

- Keep account information up to date.
 - The court staff cannot update account information.



ECF Account Management

Maintain Your ECF Account





ECF Account Management

Utilities

Your Account

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ECF Account Management

User Account Information

Maintain User Account

Last name Attorney **First name** Test

Middle name **Generation**

Title **Type aty** ☐ Add Headers to PDF Documents

Office

Address 1 123 Training Ave

Address 2 PO Box 111

Address 3

City Jackson **State** MS **Zip** 39201

Country **County** Holmes

Phone 601-233-3333 **Fax**

SSN / ITIN **Tax ID / EIN**

Bar ID 1625 **Bar status** Active **Mail group**

Initials **DOB** **AO code** **Person end date**

Email information... **More user information...**

Submit **Clear**



ECF Account Management

Email Information

E-mail information for Test Attorney

Primary e-mail address

Send the notices specified below

☒ to my primary e-mail address

☒ to these additional addresses

☒ Send notices in cases in which I am involved

☒ Send notices in these additional cases

☒ Send a notice for each filing

☐ Send a Daily Summary Report

Format notices ☒ html format for most modern email programs or ISP e-mail service

☐ text format for cc:Mail, GroupWise, other e-mail service



ECF Account Management

Submit Changes

Maintain User Account

Last name	Attorney	First name	Test
Middle name		Generation	
Title		Type aty	
Office		<input checked="" type="checkbox"/> Add Headers to PDF Documents	
Address 1	123 Training Ave		
Address 2	PO Box 111		
Address 3			
City	Jackson	State	MS
		Zip	39201
Country		County	Holmes
Phone	601-233-3333	Fax	
SSN / ITIN		Tax ID / EIN	
Bar ID	1625	Bar status	Active
Initials		Mail group	
		AO code	
		Person end date	

Email information... More user information...

Submit Clear



U.S. Bankruptcy Court

Southern District of Mississippi

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Chambers

Collette Derouen



Chambers - **Contacts**

Judge

Judge Ellington

Judge Olack

Judge Samson

Courtroom Deputy

Rita Greer
601-608-4674

Beth Harkins
601-608-4693

Christy Cannette
228-563-1841



United States Bankruptcy Court

Southern District of Mississippi

Settlements



Reporting Settlements

- Notify the Courtroom Deputy ***via the settlement line*** as soon as you reach a settlement.
- Order deadline 14 days from scheduled hearing date.
- Use the settlement line.



Reporting Settlements

- Never assume
 - You do not need to attend a hearing, if the other side does not file a response.
 - Chambers knows a proposed agreed order was submitted.
 - The other party reported the settlement.



Reporting Settlements

Communication

- Notify your client when:
 - they must attend the hearing.
 - the matter settles.



Reporting Settlements

Settlement Line Requirements

1. Hearing date
2. Calendar page number
3. Case number and debtor's last name
4. Matter settled
5. Agreed order or non-agreed order.
6. Individual (party) responsible to submit order
7. Contact telephone number



Reporting Settlements

Settlement Lines

- Judge Ellington (601) 608-4642
- Judge Olack (601) 608-4642
- Judge Samson (228) 563-1797



United States Bankruptcy Court

Southern District of Mississippi

Questions?



Chambers

- Clerk's staff and Courtroom Deputies are prohibited from giving legal advice.
- Mass Filings
 - Before filing a batch of pleadings call the Clerk's Office.



Chambers

- Read hearing notices thoroughly.
- Debtor's counsel must attend reaffirmation agreement hearing even if debtor's counsel did not sign the agreement.
- Contact Courtroom Deputy if your pleading requests an emergency hearing.

Miss. Bankr. L.R. 5005-1(a)(2)(J)



Chambers

- Generally, a corporation must be represented by an attorney of record.
- For example, pleadings filed on behalf of a corporation must be signed by an attorney of record.

See [Southwest Express, Co. v. Interstate Commerce Comm'n](#), 670 F.2d 53 (5th Cir. 1982)



Chambers

- A representative of a corporation may appear and act without counsel to:
 - File proofs of claim;
 - Attend meeting of creditors;
 - File ballots in a chapter 11 case; or
 - File reaffirmation agreements.

Miss. Bankr. L.R. 9010(b)(2)(C)



Chambers

- Motion for turnover of property by the debtor must be filed in the form of an adversary complaint.
- No negative notice required when debtor files a motion to dismiss his/her chapter 13 case.



Chambers - Judge Ellington

Motion to Lift Co-Debtor Stay

- If co-debtor fails to file a response, the attorney may request to participate by phone, if the co-debtor appears at the hearing.



Chambers - Judge Olack

Amending Non-Final Order

- Submit proposed Amended Order.
 - Amended Order must clearly identify the changes from the original order.
 - Amended Agreed Order - all parties must sign the proposed amended agreed order.



Chambers - Judge Olack

Amending Final Order

- File Motion to Amend, attaching proposed amended order as an exhibit.
 - Motion must include grounds for amending the order.



Chambers - Judge Olack

Motion for Relief from Automatic Stay

A hearing must be held before the judge will sign an order on a motion to lift the stay that adjudicates allowability of a proof of claim.



Chambers - Judge Olack

Motion to Assume Lease

Motion must indicate why assumption is a good financial decision for the debtor.



Chambers - Judge Olack

Motion to Borrow

Must include:

- Length (loan period)
- Interest rate
- Loan amount
- Number of installments
- Amount of payments (installments)

When exact figures are unavailable - provide a range/estimate.

i.e. 48-50 month term or not to exceed 50 months.



Chambers - Judge Olack

Modify Plan Chapter 13 Plan

Motion should identify the section of the plan the party seeks to amend.



Chambers - Judge Olack

Telephonic Hearings

1. Request permission participate via phone.
2. Review telephonic guidelines.
3. Agree, in writing, to comply with the telephonic guidelines.
4. Email agreement to Courtroom Deputy.



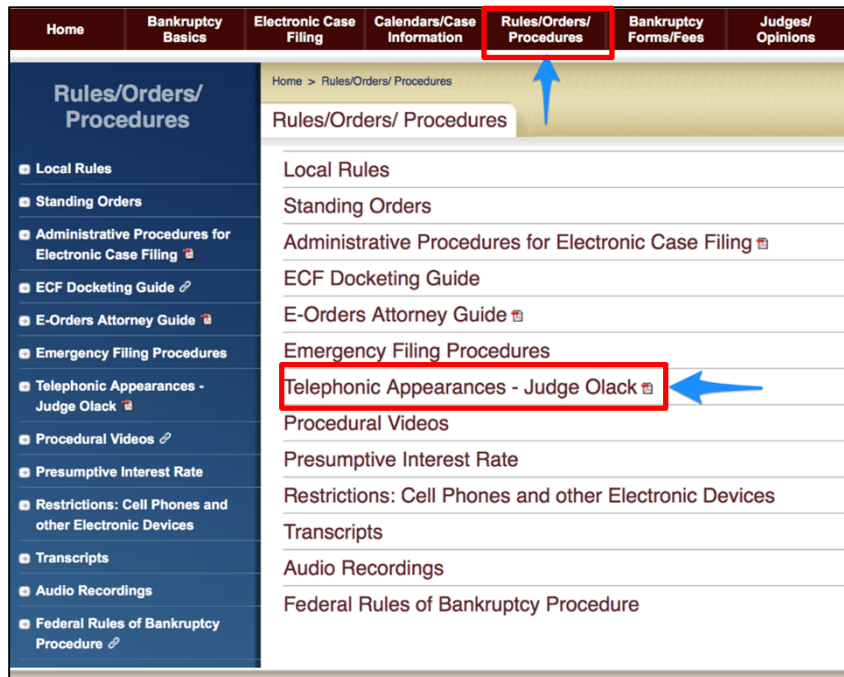
Chambers - Judge Olack

Telephonic Procedures

1. Telephonic hearings are held in the courtroom where the proceedings are recorded.
2. Counsel must call in at least 5 minutes before the scheduled time of the hearing; and
3. After court begins you must identify yourself and the client you represent.



Chambers - Judge Olack



Telephonic Guidelines available at
www.mssb.uscourts.gov

- Rules/Orders/Procedures
- Telephonic Appearances - Judge Olack

UNITED STATES BANKRUPTCY COURT SOUTHERN AND NORTHERN DISTRICTS OF MISSISSIPPI

GUIDELINES FOR TELEPHONIC APPEARANCES BY COUNSEL IN HEARINGS BEFORE BANKRUPTCY JUDGE NEIL P. OLACK

An attorney seeking to appear at a hearing before Chief Judge Neil P. Olack by telephone must contact the Courtroom Deputy and request permission. If such permission is granted, you must indicate in writing, by email or some other means, that you agree to comply with the guidelines outlined below. *Only after the Courtroom Deputy receives your written acceptance will she forward to you the toll-free conference number designated for the hearing.*

1. Only the attorney who receives permission from the Court may appear by telephone.
2. Telephonic hearings are held in the courtroom where the proceedings are recorded. No other recording of the proceedings is allowed.
3. Counsel must dial the designated toll-free conference number at least five (5) minutes before the scheduled time of the hearing. Everything said over the telephone may be heard not only by other persons on the telephone line but also by individuals present in the courtroom. For that reason, you should remain silent until Court has been opened and is in session.
4. After Court has been opened and is in session, you must identify yourself and the client you represent. *Your obligation to identify yourself and your client exists even if you do not plan to speak during the hearing and even if another attorney who represents the same client has identified himself or herself.* Generally, Judge Olack will ask who is on the telephone line at the beginning of the proceeding.
5. During the telephonic hearing, counsel must eliminate any background noise.
6. An attorney calling after the scheduled time for the telephonic hearing will be treated as if that attorney had personally appeared late for the hearing.
7. Counsel who are unwilling to abide by these guidelines must physically appear in the courtroom for the hearing.

DATED: March 28, 2016



U.S. Bankruptcy Court

Southern District of Mississippi

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Proposed Orders



Proposed Orders

- Every motion must include, as an attachment, a proposed order granting the motion.

Miss. Bankr. L.R. 5005-1(a)(2)(D)(i)

- File the proposed order as an attachment to the pleading. *Including the proposed order as an exhibit is insufficient.*



Proposed Orders

If you forget to attach a proposed order, file the order using this event.

Docket Event:

Bankruptcy/Adversary > Other > Proposed Order



Proposed Orders

Benefits of Attaching Proposed Orders to Pleadings

- No need to submit a duplicate proposed order in CM/ECF (e-Order program).
 - If no response/objection, the case administrator submits the proposed order.
- Eliminates deficiency notices and show cause hearings.



Proposed Orders

Verify:

- All required signatures are present.
- All changes are initialed by all parties.
- Order and Exhibits are uploaded as a single PDF file.
- Orders affecting real property.
 - Contains legal description within the body or included as an exhibit.
Miss. Bankr. L.R. 4001-1(a)(1)(E)



Proposed Orders

Deadline for post-hearing proposed order

➤ 14 days from hearing date.

Miss. Bankr. L.R. 9013-1(e)



Proposed Orders

Requesting Extension of Deadline to Submit Proposed Order

Judge Samson and Judge Olack

- Request extension before initial 14-day deadline expires.
- Request via phone or email.
- Generally, two extensions allowed. After second extension the court reschedules the hearing.



Proposed Orders

Requesting Extension of Deadline to Submit Proposed Order

Judge Ellington

- No extension allowed.
- Party must file a request to reschedule the hearing.
 - Request must be filed before the initial 14-day deadline expires.

Docket Event:

Bankruptcy/Adversary > Other> Request for
Hearing/Status Conference



Proposed Orders

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

On-Line Resources

Danny Miller



On-Line Resources

Follow the Court



www.mssb.uscourts.gov



U.S. Bankruptcy Court

Southern District of Mississippi

Chapter 13 Plan and Related Filings

Collette Derouen



Chapter 13 Plan

- Chapter 13 plan due 14 days from date debtor file the petition. ***Fed. R. Bankr. P. 3015(b)***
- Must use Local Form MSSB-113. ***Miss. Bankr. L.R. 3015-1.1.***
- Plan information must be typewritten. ***Miss. Bankr. L.R. 3015-1.1.***

MSSB-113 (12/17)

Fill in this information to identify your case:

Debtor 1
Full Name (First, Middle, Last)

Debtor 2
(Spouse, if filing) Full Name (First, Middle, Last)

United States Bankruptcy Court for the: District of Mississippi

Case number
(if known)

☐ Check if this is an amended plan, and list below the sections of the plan that have been changed.

Chapter 13 Plan and Motions for Valuation and Lien Avoidance 12/17

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. *Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

Save **Print**

Mississippi Chapter 13 Plan

Page 1



Chapter 13 Plan

Plan may include:

- Motions for valuation.
- Motions for lien avoidance.
- Request to surrender collateral.
- Request for assumption of executory contracts and/or unexpired leases.

Docket Event:

Bankruptcy > Plan > Chapter 13 Plan



Chapter 13 Plan - **Filing**

If Plan includes motions and/or requests:
Select the corresponding checkbox.

Select any of the following motions/requests (*if any*) that are included in the plan, and click Next to continue.

- ☒ Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims [Part 3.2]
- ☒ Motion to avoid lien pursuant to 11 U.S.C. Section 522 [Part 3.4]
- ☒ Request to surrender collateral [Part 3.5]
- ☒ Request for assumption of executory contracts and/or unexpired leases [Part 6.1]

11/28/2017	16	Chapter 13 Plan , and Motion for Valuation of Security , and Motion to Avoid Lien Pursuant to 11. U.S.C. Section 522 , and Request to Surrender Collateral , and Request for Assumption of Executory Contracts and Unexpired Leases . Filed by
------------	----	---



Chapter 13 Plan - Notice

- Debtor must give notice of the Plan.
- Notice must conform with Local Form MSSB-LR-3015-1.

Miss. Bankr. L.R. 3015-1(d)



Chapter 13 Plan - Notice

Notice of Chapter 13 Bankruptcy Case United States Bankruptcy Court Southern District of Mississippi

Information to identify the case:

Debtor 1: [REDACTED] Social Security number or ITIN: xxx-xx-2209
First Name Middle Name Last Name
EIN: [REDACTED]
Debtor 2: [REDACTED] Social Security number or ITIN: [REDACTED]
(Spouse, if filing) First Name Middle Name Last Name
EIN: [REDACTED]
United States Bankruptcy Court for the Southern District of Mississippi
Case number: [REDACTED] Date case filed for chapter 13: 6/25/18

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Cell phones and other electronic devices are generally not allowed in the courthouses of this District. For more information visit www.msdb.uscourts.gov.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1:		About Debtor 2:
1. Debtor's full name	[REDACTED]	[REDACTED]
2. All other names used in the last 8 years	[REDACTED]	[REDACTED]
3. Address	[REDACTED]	[REDACTED]
4. Debtor's attorney Name and address	[REDACTED]	Contact phone: [REDACTED]
5. Bankruptcy trustee Name and address	James L. Hanley Jr. PO Box 31980 Jackson, MS 39286-1980	Contact phone 601-961-9100
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	501 East Court Street, Suite 2.300 P.O. Box 2448 Jackson, MS 39225-2448	Office Hours: Monday - Friday 8:00 AM - 5:00 PM Contact phone 601-698-4800 Date: 6/25/18

For more information, see page 2

Debtor: [REDACTED]

Case number 18-02474-NPO

7. Meeting of creditors	July 24, 2018 at 10:15 AM	Location:
Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so. Debtors must provide original picture identification and proof of social security number to the trustee at the meeting.	The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	501 East Court Street, Suite 1.452, Jackson, MS 39201
8. Deadlines	The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines:	Filing deadline: 9/24/18
Deadline to file a complaint to challenge dischargeability of certain debts:		
You must file: <ul style="list-style-type: none">a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) ora complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).		
Deadline for all creditors to file a proof of claim: (except governmental units) Filing deadline: 9/4/18		
Deadline for governmental units to file a proof of claim: Filing deadline: 12/28/18		
Deadlines for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.		
Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection. Filing deadline: 30 days after the conclusion of the meeting of creditors		
9. Filing of plan	Miss. Bankr. L.R. 3015-1(d) requires the debtor to serve a copy of the plan and related notice on the Trustee, the US Trustee, and all creditors. The plan may contain a motion for valuation of security and/or a motion to avoid lien. Any objection to the plan or to any motion contained therein must be in writing and filed with the Clerk of Court on or before August 20, 2018. Objections will be heard on August 27, 2018 at 10:00 AM in the United States Courthouse, Bankruptcy Courtroom 4C, 501 East Court Street, Jackson, MS 39201, unless otherwise ordered by the court. If no objection is timely filed, the plan may be confirmed without a hearing.	
10. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
11. Filing a chapter 13 bankruptcy case	Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov . If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.	
13. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.	



Chapter 13 Plan - Notice

Page 2, Part 9 provides:

- Deadline for Objecting to Confirmation.
- Confirmation Hearing Date, Time, and Location.

Debtor: [REDACTED]		Case number 18-02474-NPO	
7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so. Debtors must provide original picture identification and proof of social security number to the trustee at the meeting.	July 24, 2018 at 10:15 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: 501 East Court Street, Suite 1.452, Jackson, MS 39201	
8. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	Deadline to file a complaint to challenge dischargeability of certain debts: You must file: <ul style="list-style-type: none">a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) ora complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4). Deadline for all creditors to file a proof of claim: (except governmental units) Deadline for governmental units to file a proof of claim:	Filing deadline: 9/24/18 Filing deadline: 9/4/18 Filing deadline: 12/26/18	
Deadlines for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.			
Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.			Filing deadline: 30 days after the conclusion of the meeting of creditors
9. Filing of plan	Miss. Bankr. L.R. 3015-1(d) requires the debtor to serve a copy of the plan and related notice on the Trustee, the US Trustee, and all creditors. The plan may contain a motion for valuation of security and/or a motion to avoid lien. Any objection to the plan or to any motion contained therein must be in writing and filed with the clerk at court on or before August 20, 2018. Objections will be heard on August 27, 2018 at 10:00 AM in the United States Courthouse, Bankruptcy Courtroom 4C, 501 East Court Street, Jackson, MS 39201, unless otherwise ordered by the court. If no objection is timely filed, the plan may be confirmed without a hearing.		
10. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.		
11. Filing a chapter 13 bankruptcy case	Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.		
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.uscourts.gov . If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.		
13. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 8.		

Official Form 309i Notice of Chapter 13 Bankruptcy Case (Rev. 12/17) page 2



Chapter 13 Plan - Notice

Noticing:

1. Serve Notice and Plan @ least 30 days before the deadline for filing objections to confirmation.
2. Date the Notice the day you mail the notice.
(Not the date you file the Notice with the court.)
3. If Plan contains a Motion for Valuation or Motion to Avoid Lien, you must serve the Plan and Notice in accordance to Fed . R. Bankr. P. 7004.



Chapter 13 Plan - **Notice**

Noticing:

- Immediately file the Notice (with Plan attached) and Certificate of Service with the court.

Docket Event:

Bankruptcy> Plan> Notice of Filing Chapter 13 Plan



Chapter 13 Plan

Example

Local Form

MSSB-LR-3015-1-COS

MSSB-LR-3015-1-COS (12/17)

CERTIFICATE OF SERVICE

I, _____, attorney for Debtor(s), do hereby certify that by filing the attached Notice and Chapter 13 Plan, I have caused the following parties to be served electronically via ECF:

John Doe, Esq.
Jane Doe, Case Trustee
Office of the U.S. Trustee

I certify that I have this day served a true and correct copy of the attached Notice and Chapter 13 Plan by U. S. Mail,¹ postage prepaid, to the following creditor(s) listed in Sections 3.2 and/or 3.4 of the Plan pursuant to Fed. R. Bankr. P. 7004:

Jane Smith, Officer XYZ Bank 123 Main Street Anywhere, MS 54321	Registered Agent's Name A&B, Inc. 456 Main Avenue Anywhere, MS 54321	Mr. Sole Proprietor 789 Main Circle Anywhere, MS 54321
--	---	--

I further certify that I have this day served a true and correct copy of the Notice and Chapter 13 Plan by U. S. Mail, postage pre-paid, to all other parties listed on the attached master mailing list (matrix).

X

Signature of Attorney for Debtor(s)

Dated: _____
MM/DD/YYYY

Address Line 1

Address Line 2

City, State, and Zip Code

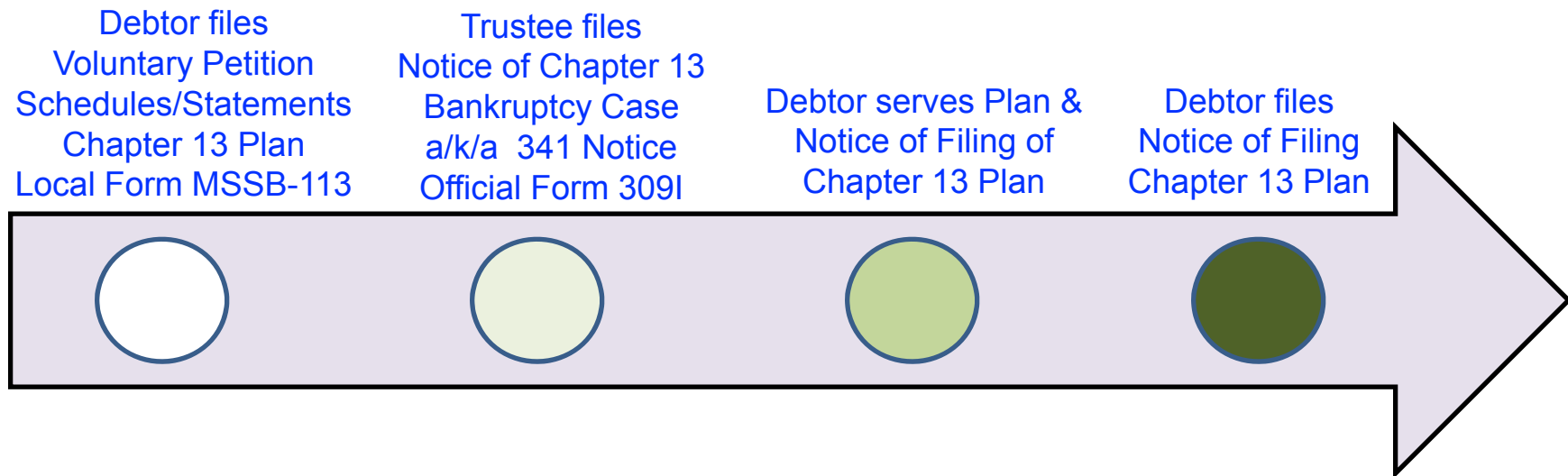
Telephone Number MS Bar Number

Email Address

¹ If the creditor is an insured depository institution, service has been made by certified mail.



Chapter 13 Plan - **Time Line**





Chapter 13 Plan

Questions?



Chapter 13 Plan

Objecting to Confirmation

Confirmation Hearing

Modifying Plan



Chapter 13 Plan

Objecting to Confirmation (the “Plan”)

- Title pleading “Objection to Confirmation”.
- File Objection with the below event:

Docket Event:

Bankruptcy> Plan> Objection to Confirmation of the Plan



Chapter 13 Plan

Objecting to Confirmation (the “Plan”)

- Timely objections are heard at the confirmation hearing.
- A separate hearing notice is not issued.



Chapter 13 Plan

Objecting to Confirmation (the “Plan”)

Judge Samson

- Objections filed after deadline, but before confirmation hearing or before confirmation:
 - Set for hearing
 - Court issues a “*Notice of Hearing*”



Chapter 13 Plan

Objecting to Confirmation (the “Plan”)

Judge Ellington and Judge Olack

- Objections filed after deadline, but before confirmation hearing or before confirmation:
- Objection heard at the confirmation hearing.



Chapter 13 Plan

Consequences for Failing to:

- File Notice of Filing of the Plan.
- Timely serve Notice to all parties/creditors.
- Provide accurate information within the Notice.



Chapter 13 Plan

Consequences:

- Court may return proposed confirmation order to the trustee; and/or
- Court may schedule a show cause hearing to determine why the case should not be dismissed.



Chapter 13 Plan - **Modify**

Amended Standing Order Procedure for Modification of Chapter 13 Plan

Home	Bankruptcy Basics	Electronic Case Filing	Calendars/Case Information	Rules/Orders/ Procedures
Home > Rules/Orders/ Procedures > Standing Orders > Bankruptcy Court				
Bankruptcy Court				
Order No.	Title of Order			
2018-03	Order Repealing and Rescinding the Standing Order Regarding Motion to Extend Automatic Stay.			
2018-02	Order Adopting Amended Uniform Local Bankruptcy Rules			
2018-01	Amended Standing Order Procedure for Modification of Chapter 13 Plan			

Bankruptcy Court



District Court

Fifth Circuit

2018-01

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED
MAY 11 2018
DANNY L. MILLER, CLERK
BY DeLoach DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

AMENDED STANDING ORDER
PROCEDURE FOR MODIFICATION OF CHAPTER 13 PLAN

This amended standing order establishes a procedure for modification of Chapter 13 plans and supplements Miss. Bankr. L.R. 3015-1.

Modification of Chapter 13 Plan Prior to Confirmation

The debtor may file a modification of a Chapter 13 plan with the clerk of court at any time before the plan is confirmed in accordance with 11 U.S.C. § 1323(a). The attorney for the debtor (or the debtor) shall send a notice of such modification to the trustee, United States Trustee, and all creditors affected by the modification. If the debtor has not provided notice of the original plan pursuant to Miss. Bankr. L.R. 3015-1(c), the attorney for the debtor (or the debtor) shall send notice of the modification to all creditors. The notice must include a statement that recipients have 30 days to object to the proposed modification by filing an objection with the court. The attorney for the debtor (or the debtor) shall file a certificate of service, including a copy of the modification and notice attached, indicating that the trustee, United States Trustee, and affected creditors were served with a copy of same. If an objection is timely filed, the court will schedule a hearing.

Modification of Chapter 13 Plan After Confirmation

The moving party shall file a Motion and Notice to Modify Confirmed Plan. The moving party shall issue a notice, with the response date, to the trustee, the United States Trustee, and all creditors affected by the modification. The motion shall include a statement that recipients have 30 days to file an objection to the proposed motion. The moving party shall attach a certificate

Page 1 of 2



Chapter 13 Plan

Modify Plan Before Confirmation:

Debtor may modify Plan anytime before confirmation.

- Notice must give 30 day objection period.
- Give notice of modification to trustee, UST, and all affected creditors.
 - If original Plan was not noticed to all creditors, must serve notice of modification to all creditors.



Chapter 13 Plan

Modify Plan Before Confirmation:

1. File modified plan

Docket Event:

Bankruptcy> Plan> Modified Chapter 13 Plan

2. File Notice

Docket Event:

Bankruptcy > Notices> Notice of Modified Plan (30 day)



Chapter 13 Plan

Modify Plan After Confirmation

File a *Motion and Notice to Modify Confirmed Plan*, attaching a proposed order.

- Give notice of the Motion to trustee, UST, and all affected creditors.
- Notice must give 30-day objection period.



Chapter 13 Plan

Modify Plan After Confirmation

Motion and Notice (one PDF)

Docket Event:

Bankruptcy> Motions/Applications> Modified Plan with
30 day notice



Chapter 13 Plan

Modify Plan After Confirmation

Motion and Notice individually

Motion Docket Event:

Bankruptcy > Motions/Applications > Modify Plan

Notice Docket Event:

Bankruptcy > Notices > Notice of Modified Plan (30 day)

or

Bankruptcy > Notices > Notice - 30 day



Chapter 13 Plan

Questions?



U.S. Bankruptcy Court

Southern District of Mississippi

Attorney/staff training:

New staff

Refresher for current staff

Jackson: 601-608-4600

Gulfport: 228-563-1790



Contact Information

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